

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERISOURCEBERGEN CORPORATION;  
AMERISOURCEBERGEN DRUG  
CORPORATION; and INTEGRATED  
COMMERCIALIZATION SOLUTIONS, LLC,

Defendants.

Civ. A. No. 22-5209

**JOINT MOTION TO EXCEED PAGE LIMITS AND SET A BRIEFING SCHEDULE**

Pursuant to Section II(D)(3) of this Court’s Policies and Procedures, the Parties jointly move for permission to exceed the Court’s 25-page limit for briefing relating to Defendants’ forthcoming motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). The Parties also ask the Court to enter an order adopting the proposed briefing schedule set forth below. In support of their requests, the Parties state as follows:

1. On December 29, 2022, Plaintiff, the United States of America, filed a complaint under the Controlled Substances Act (“CSA”) against the three Defendants, AmerisourceBergen Corporation, AmerisourceBergen Drug Corporation, and Integrated Commercialization Solutions, LLC. (ECF No. 1.) Plaintiff’s 78-page, 506-paragraph Complaint alleges that Defendants violated the CSA “on at least hundreds of thousands of occasions” over an eight year period, and seeks to impose civil penalties and injunctive relief.

2. Plaintiff sent Defendants waiver of service forms on December 30, 2022, and the Defendants executed the waiver forms on January 3, 2023. (ECF Nos. 9-11.)

3. Pursuant to Federal Rule of Civil Procedure 4(d)(3), the deadline for Defendants to respond to the complaint is currently February 28, 2023.

4. Defendants have advised Plaintiff that they intend to move to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6), and Defendants anticipate raising multiple legal arguments in support of their motions.

5. Pursuant to Section II(D)(3) of this Court's Policies and Procedures, the default page limit for the brief supporting each Defendant's motion is 25 pages.

6. Rather than filing separate motions and briefs, the Parties believe it would be more efficient for all three Defendants to file a single motion and one consolidated brief setting forth each Defendant's arguments, and for Plaintiff to file one consolidated brief in opposition.

7. To streamline the motion practice and to afford the Parties adequate opportunity to address the number of legal issues that the Parties anticipate will be briefed, the Parties ask the Court to permit Defendants to submit one opening brief not to exceed 60 pages, to permit Plaintiff to submit one opposition brief not to exceed 60 pages, and to permit Defendants to submit one reply brief not to exceed 30 pages.

8. Pursuant to this Court's Policies and Procedures, the Parties will submit all briefs with double-spaced, 12-point font.

9. The Parties have also stipulated to the following briefing schedule, which they ask the Court to adopt: Defendants' opening brief shall be due March 30, 2023; Plaintiff's opposition brief shall be due June 28, 2023; and Defendants' reply brief shall be due July 28, 2023.

WHEREFORE, the Parties respectfully ask the Court to grant their Joint Motion and enter the Parties' proposed Order.

Respectfully submitted,

PHILIP R. SELLINGER  
United States Attorney for the  
District of New Jersey

/s/ Hayden M. Brockett  
HAYDEN M. BROCKETT  
JORDANN R. CONABOY  
Special Attorneys to the Attorney General  
970 Broad Street, 7<sup>th</sup> Floor  
Newark, NJ 07102  
hayden.brockett@usdoj.gov  
jordann.conaboy@usdoj.gov  
973-645-3883

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney  
General, Civil Division  
ARUN G. RAO  
Deputy Assistant Attorney General  
Consumer Protection Branch  
AMANDA N. LISKAMM  
Acting Director  
ANTHONY NARDOZZI  
Assistant Director

/s/ Michael J. Wadden  
MICHAEL J. WADDEN  
AMY L. DELINE  
DEBORAH S. SOHN  
Trial Attorneys  
U.S. Department of Justice  
Civil Division  
Consumer Protection Branch  
P.O. Box 386  
Washington, DC 20044  
michael.j.wadden@usdoj.gov  
amy.l.deline@usdoj.gov  
deborah.s.sohn@usdoj.gov  
202-305-7133

/s/ Andrew J. Levander  
ANDREW J. LEVANDER  
Dechert LLP  
1095 Avenue of the Americas  
New York, NY 10095  
212-698-3500  
andrew.levander@dechert.com

STUART T. STEINBERG  
Dechert LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104  
215-994-2521  
stuart.steinberg@dechert.com

/s/ Lawrence S. Lustberg  
LAWRENCE S. LUSTBERG  
Gibbons, P.C.  
One Gateway Center  
Newark, NJ 07102  
973-596-4500  
llustberg@gibbonslaw.com

MEREDITH S. AUTEN  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103  
215-963-5000  
meredith.auten@morganlewis.com

*Counsel for Defendants AmerisourceBergen  
Corporation, AmerisourceBergen Drug  
Corporation, and Integrated  
Commercialization Solutions, LLC*

JACQUELINE C. ROMERO  
United States Attorney for the  
Eastern District of Pennsylvania

/s/ Anthony D. Scicchitano  
ANTHONY D. SCICCHITANO  
LANDON Y. JONES III  
Assistant U.S. Attorneys  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106  
anthony.scicchitano@usdoj.gov  
landon.jones@usdoj.gov  
215-861-8200

COLE FINEGAN  
United States Attorney for the  
District of Colorado

/s/ Amanda A. Rocque  
AMANDA A. ROCQUE  
DAVID MOSKOWITZ  
Special Attorneys to the Attorney General  
1801 California Street, Suite 1600  
Denver, CO 80202  
amanda.rocque@usdoj.gov  
david.moskowitz@usdoj.gov  
303-454-0100

BREON PEACE  
United States Attorney for the  
Eastern District of New York

/s/ Elliot M. Schachner  
ELLIOT M. SCHACHNER  
DIANE C. LEONARDO  
Special Attorneys to the Attorney General  
271 Cadman Plaza East  
Brooklyn, NY 11201  
elliot.schachner@usdoj.gov  
diane.beckmann@usdoj.gov  
718-254-7000

*Counsel for Plaintiff the United States of  
America*